

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39777 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- BASANTPUR District- Siwan

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MUKESH KUMAR YADAV Son of Ram Ashish Yadav Resident of Village-
Basaon, Nagri Tola, PS- Banantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
02.04.2023 in connection with Basantpur P.S. Case No.129 of
2023, F.I.R. dated 01.04.2023 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 164.160 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession rather the recovery has been made from
the Dalan, which is joint house property of the petitioner. He
further submits that petitioner has no concern at all with the



alleged recovery of illicit liquor and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C.. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries five criminal antecedent other than the present one but on the basis of supplementary affidavit the petitioner is on bail in all the cases.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended from the spot, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.I, Siwan in connection with Basantpur P.S. Case No. 129 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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